

AMENDED IN ASSEMBLY MAY 15, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 14, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 3005**

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**Introduced by Assembly Member Jones**

February 22, 2008

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An act to add Section 66005.1 to the Government Code, relating to community development.

### LEGISLATIVE COUNSEL'S DIGEST

AB 3005, as amended, Jones. Community development: mitigation fees.

The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined. Existing law provides that when a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

This bill would require a local agency, when assessing ~~a traffic~~ *an impact fee for mitigating traffic impacts of* a housing development, to establish the fee at a rate that reflects a ~~reduction~~ *lower rate* of automobile trip generation if the housing development meets specified criteria.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 66005.1 is added to the Government Code, to read:

~~66005.1. (a) When a local agency assesses a traffic impact fee for a housing development that satisfies all of the following characteristics, the fee shall be established at a rate that reflects reduced automobile trip generation associated with that housing development, unless the local agency adopts findings after a public hearing that the housing development would not significantly reduce automobile trip generation even with those characteristics:~~

*66005.1. (a) When a local agency assesses an impact fee pursuant to Section 66001 for the purpose of mitigating traffic impacts of a housing development that satisfies all of the following characteristics, the fee shall be established at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with these characteristics, would not generate fewer automobile trips than a housing development without those characteristics:*

(1) The housing development is located within one-half mile of a transit station and there is direct access between the housing development and the transit station along a barrier-free walkable pathway not exceeding one-half mile in length.

(2) Convenience or retail uses, including a grocery store, are located within one-half mile of the housing development.

(3) Parking spaces for the housing development do not exceed the following:

(A) For zero to two bedroom units, one onsite parking space.

(B) For three or more bedroom units, two onsite parking spaces.

(b) As used in this section, “housing development” means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the project space is for residence use.

(c) For purposes of this section, “transit station” means a rail or light-rail station, ferry terminal, bus hub, or bus transfer station, as designated by the local transit agency or regional transportation planning agency. Transit station includes planned transit stations

- 1 otherwise meeting this definition whose construction is
- 2 programmed to be completed prior to the scheduled completion
- 3 and occupancy of the housing development.

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